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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HL

Office Action Summary

Application No.

09/757,741

Applicant(s)

MUNRO ET AL.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 12/15/2004.
2. Claims 1-28 are pending in this application. Claims 1, 9, 15 and 24 are independent claims; and claim 22 has been amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-4, 9-10, 15-17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") in view of Mernyk et al. ("Mernyk").

As per claim 1, Tyan teaches an apparatus, comprising a computer readable media and a program written in a page description language and embedded on the computer readable media, the program to provide instructions, which when executed by a machine, cause the machine to display and to manipulate a bitmap image within a window in a network system (col. 1, lines 9-48), the bitmap image having a hierarchical system of folders associated with the bitmap image wherein the hierarchical system of folders comprise the image having a folder, the folder having content, and the content being within the folder (col. 4, line 34 through col. 5, line 3). Tyan does not explicitly disclose the hierarchical system of folders to be accessible through the displayed image. Mernyk teaches an apparatus, comprising a computer readable media and a program on the computer readable media, the program to provide instructions, which

when executed by a machine, cause the machine to display and to manipulate a bitmap image within a window a hierarchical system of folders to be accessible through the displayed image (figs. 1-4; col. 1, lines 39-55; col. 3, lines 45-50; col. 3, line 63 through col. 4, line 9; col. 5, line 59 through col. 6, line 26). Therefore, it would have been obvious to an artisan at the time of the invention to include Mernyk's method of displaying and manipulating a bitmap image within a window having a hierarchical system of folders to be accessible through the displayed image with Tyan's method of displaying and manipulating a bitmap image within a window having a hierarchical system of folders in order to provide users with a visual method of quickly accessing as well as distinguishing a large number of data.

As per claim 2, Tyan teaches an apparatus wherein the hierarchical system of folders comprise the image having a folder, the folder having content, and the content being within the folder (col. 4, line 34 through col. 5, line 3).

As per claim 3, Tyan teaches an apparatus wherein the hierarchical system of folders wherein content is one in a group consisting of a subfolder, a graphic object, a text document, a hyperlink, a border information, an image map, or an image address (col. 4, line 34 through col. 5, line 3).

As per claim 4, Tyan teaches an apparatus and wherein the network system is one in a group of a client server system, a World Wide Web, an Internet, a mobile phone network, a first device in communication with a second device (col. 1, lines 9-48)

Claims 9, 15 and 24 are individually are similar in scope to claim 1 and are therefore rejected under similar rationale.

As per claim 10, Tyan teaches an apparatus comprising concurrently displaying in the window multiple bitmap images (col. 1, lines 26-28).

Claim 16 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 2 and is therefore rejected under similar rationale.

5. Claims 5-6, 11-12 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") in view of Mernyk et al. ("Mernyk") as applied to claims 1, 9 and 24 respectively, and further in view of Scott et al. ("Scott").

As per claims 5 and 6, although Tyan teaches an apparatus wherein the bitmap image may be manipulated (*i.e. inherent to a browser environment is the ability to manipulate bitmap images such as zoom in, zoom out, select a region of interest, etc.*), Tyan does not explicitly disclose an apparatus wherein manipulation is in the form of scaling the bitmap image to a new size with data stored in the cache until the program decodes data corresponding to the new size. Scott teaches progressive JPEG wherein upon a request for an image file or a request to scale the image file, the program stores the image in cache and the image is shown in progressively multiple levels of resolution until the program finishes decoding data corresponding to the new file (col.40, lines 61-63; col. 19, line 57 through col. 20, line 17; *wherein images shown in progressively multiple levels of resolution is inherent in progressive JPEG in order to gradually display the image*). Therefore, it would have been obvious to an artisan at the time of the invention to include Scott's teaching of progressive JPEG for images having multiple

levels of resolution and images stored in cache until the program decodes data corresponding to a new data request such as scaling to Tyan's method of manipulating images in order to provide users with the ability to view images with increasingly detailed versions of the picture until the entire file finishes downloading.

Claims 11 and 26 are individually similar in scope to the combination of claims 5 and 6 and are therefore rejected under similar rationale except for the limitation that the bitmap image is from an image database, which Scott teaches (col. 20, lines 1-13).

Claims 12 and 27 are individually similar in scope to the combination of claims 5 and 6 and are therefore rejected under similar rationale.

6. Claims 7-8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") in view of Mernyk et al. ("Mernyk") as applied to claims 1 and 9 respectively, and further in view of Takeuchi et al. ("Takeuchi").

As per claims 7 and 8, although Tyan teaches an apparatus comprising instructions, which when executed by the machine, cause the machine to display and to manipulate objects (col. 1, lines 9-48), Tyan does not explicitly disclose the apparatus to include establishing a predetermined setting, the predetermined setting having a value, below the value of the predetermined setting a representation of an object is displayed and above the value of the predetermined setting the object is displayed wherein the object is one in a group consisting of the bitmap image, a folder, content associated with the bitmap image, or content associated with the folder. Takeuchi teaches an apparatus comprising instructions, which when executed by the machine, cause the machine to display and to establish a predetermined setting, the predetermined setting having a

value, below the value of the predetermined setting a representation of an object is displayed and above the value of the predetermined setting the object is displayed wherein the object is one in a group consisting of the bitmap image, a folder, content associated with the bitmap image, or content associated with the folder (Abstract; figs. 9-19). Therefore, it would have been obvious to an artisan to include Takeuchi's teaching of an apparatus comprising instructions, which when executed by the machine, cause the machine to display and to establish a predetermined setting, the predetermined setting having a value, below the value of the predetermined setting a representation of an object is displayed and above the value of the predetermined setting the object is displayed to Tyan's apparatus comprising instructions, which when executed by the machine, cause the machine to display and to manipulate objects in order to provide users with a step-by-step logical representation of information.

Claim 14 is similar in scope to the combination of claims 7 and 8 and is therefore rejected under similar rationale.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") in view of Mernyk et al. ("Mernyk") as applied to claim 10, and further in view of Scott et al. ("Scott").

As per claim 13, although Tyan teaches a method of displaying and manipulating bitmap images (col. 1, lines 9-48), Tyan does not explicitly disclose the bitmap image to be compressed according to a block based integer wavelet transform coding scheme. Scott teaches a method of utilizing discrete wavelet transform compression techniques for image compression (col. 16, lines 52-58). Therefore, it would have been obvious to

an artisan to include Tyan's method of displaying and manipulating bitmap images to Scott's method of utilizing discrete wavelet transform compression techniques for image compression in order to provide users with compression efficiency.

8. Claims 18-19 and 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") in view of Mernyk et al. ("Mernyk") as applied to claims 15 and 1 respectively, and further in view of Scott et al. ("Scott").

As per claim 28, although Tyan teaches an apparatus wherein the bitmap image may be manipulated (*i.e. inherent to a browser environment is the ability to manipulate bitmap images such as zoom in, zoom out, select a region of interest, etc.*), Tyan does not explicitly disclose an apparatus wherein manipulation is in the form of scaling the bitmap image to a new size with data stored in the cache until the program decodes data corresponding to the new size. Scott teaches progressive JPEG wherein upon a request for an image file or a request to scale the image file, the program stores the image in cache and the image is shown in progressively multiple levels of resolution until the program finishes decoding data corresponding to the new file (col.40, lines 61-63; col. 19, line 57 through col. 20, line 17; *wherein images shown in progressively multiple levels of resolution is inherent in progressive JPEG in order to gradually display the image*). Therefore, it would have been obvious to an artisan at the time of the invention to include Scott's teaching of progressive JPEG for images having multiple levels of resolution and images stored in cache until the program decodes data corresponding to a new data request such as scaling to Tyan's method of manipulating

images in order to provide users with the ability to view images with increasingly detailed versions of the picture until the entire file finishes downloading.

Claims 18 and 19, in combination, is similar in scope to claim 28 and is therefore rejected under similar rationale.

9. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") and Mernyk et al. ("Mernyk") as applied to claim 15, in view of Scott et al. ("Scott") as applied to claim 18, and further in view of Takeuchi et al. ("Takeuchi").

As per claims 20 and 21, although Tyan teaches an apparatus comprising instructions, which when executed by the machine, cause the machine to display and to manipulate objects (col. 1, lines 9-48), Tyan does not explicitly disclose the apparatus to include establishing a predetermined setting, the predetermined setting having a value, below the value of the predetermined setting a representation of an object is displayed and above the value of the predetermined setting the object is displayed wherein the object is one in a group consisting of the bitmap image, a folder, content associated with the bitmap image, or content associated with the folder. Takeuchi teaches an apparatus comprising instructions, which when executed by the machine, cause the machine to display and to establish a predetermined setting, the predetermined setting having a value, below the value of the predetermined setting a representation of an object is displayed and above the value of the predetermined setting the object is displayed wherein the object is one in a group consisting of the bitmap image, a folder, content associated with the bitmap image, or content associated with the folder (Abstract; figs. 9-19). Therefore, it would have been obvious to an artisan to include Takeuchi's

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teaching of an apparatus comprising instructions, which when executed by the machine, cause the machine to display and to establish a predetermined setting, the predetermined setting having a value, below the value of the predetermined setting a representation of an object is displayed and above the value of the predetermined setting the object is displayed to Tyan's apparatus comprising instructions, which when executed by the machine, cause the machine to display and to manipulate objects in order to provide users with a step-by-step logical representation of information.

As per claim 22, the modified Tyan teaches an apparatus wherein the predetermined setting comprises a value set at a time of display/creation of a web page containing the bitmap image (Takeuchi: Abstract; figs. 9-19; Tyan: col. 1, lines 7-15; col. 2, lines 60-67).

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") and Mernyk et al. ("Mernyk").

As per claim 23, although Tyan teaches an apparatus comprising a bitmap image wherein the hierarchical system of folders are associated with the bitmap image (col. 1, lines 9-48), Tyan does not explicitly disclose that the apparatus comprises a means for concurrently displaying in the window multiple bitmap images. However, Tyan discloses concurrently displaying in the window multiple bitmap images in a description of the related art (col. 1, lines 26-31). Therefore, it would have been obvious to an artisan at the time of the invention to include concurrently displaying in the window multiple bitmap images to Tyan's apparatus comprising a bitmap image wherein the hierarchical system

of folders are associated with the bitmap image in order to provide users with a view of related images.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyan et al. ("Tyan") in view of Mernyk et al. ("Mernyk").

As per claim 25, although Tyan teaches an apparatus comprising a bitmap image wherein the hierarchical system of folders are associated with the bitmap image (col. 1, lines 9-48), Tyan does not explicitly disclose that the apparatus comprises a means for concurrently displaying in the window multiple bitmap images. However, Tyan discloses concurrently displaying in the window multiple bitmap images in a description of the related art (col. 1, lines 26-31). Therefore, it would have been obvious to an artisan at the time of the invention to include concurrently displaying in the window multiple bitmap images to Tyan's apparatus comprising a bitmap image wherein the hierarchical system of folders are associated with the bitmap image in order to provide users with a view of related images.

Response to Arguments

12. Applicant's arguments filed 12/15/04 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) The prior art of record does not teach or suggest a hierarchical system of folders containing additional content associated with the bitmap image wherein the folders are accessible through the displayed image.

(b) Takeuchi is from a non-analogous art. Moreover, one of skill in the art would not look to Takeuchi for any modification to Tyan or Mernyk.

(c) The combination suggested by the examiner uses hindsight to combine Takeuchi with Tyan and Mernyk.

The examiner disagrees for the following reasons:

Per (a), the prior art of record does teach or suggest a hierarchical system of folders containing additional content (Mernyk: figs. 1-4; col. 1, lines 39-55; col. 3, lines 45-50; col. 3, line 63 through col. 4, line 9; col. 5, line 59 through col. 6, line 26; *described is a hierarchical system of folders containing additional content upon users' selection to view/scroll the additional content*) associated with the bitmap image (Tyan: col. 1, lines 9-48; *bitmap images are manipulated during layout generation*; Mernyk: figs. 1-4; col. 3, lines 45-50; col. 3, line 63 through col. 4, line 9; col. 5, line 59 through col. 6, line 26) wherein the folders are accessible through the displayed image (Mernyk: col. 5, line 59 through col. 6, line 26; *folders contents are accessible through the displayed image via a "flip button" associated with the thumbnail*).

Per (b), in response to applicant's argument that Takeuchi is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Tyan and Takeuchi teaches the claim preamble wherein an apparatus comprises instructions, which when executed by the machine, cause the

machine to display objects (Tyan: col. 1, lines 9-48; Takeuchi: figs. 9-19). The feature extracted from Takeuchi is for establishing a predetermined setting, the predetermined setting having a value, below the value of the predetermined setting a representation of an object is displayed and above the value of the predetermined setting the object is displayed wherein the object is one in a group consisting of the bitmap image, a folder, content associated with the bitmap image, or content associated with the folder (Abstract; figs. 9-19).

Furthermore, the teaching, suggestion, or motivation to combine, *i.e.* in order to provide users with a step-by-step logical representation of information, meets the requirement that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art (See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)) as well as pass the test for obviousness of what the combined teachings of the references would have suggested to those of ordinary skill in the art (See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981)).

Per (c), in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

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not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Inquires

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (571) 272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
March 13, 2005

Kristine Kincaid
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